

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PRESTON TONY WILLIAMS,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-04-768-M
)	
RANDALL WORKMAN, Warden,)	
)	
Respondent.)	

ORDER

Before the Court is petitioner's Motion for Enlargement of Time to File Objection to Report and Recommendation, and, Appointment of Counsel, filed October 6, 2005. Petitioner first moves the Court for an enlargement of time of thirty (30) days from October 17, 2005 to file his objection to the Report and Recommendation. Upon review of petitioner's motion, and for good cause shown, the Court finds that petitioner's motion for enlargement of time should be granted.

Petitioner also moves the Court for counsel to be appointed to represent him. The appointment of counsel under 28 U.S.C. §1915(e) is a matter within the discretion of the district court. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985). In deciding whether to appoint counsel, the court should consider the following factors: "the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims." *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)). Having carefully reviewed petitioner's motion and the case file, and having considered the above-referenced factors, the Court finds that appointment of counsel is not warranted in the instant case. Specifically, the Court finds that the case at bar is not an unusually complex habeas case. Further, having reviewed petitioner's pleadings, the Court finds that petitioner is quite capable of presenting his claims.

Accordingly, the Court finds that petitioner's motion for appointment of counsel should be denied.

For the reasons set forth above, the Court GRANTS IN PART and DENIES IN PART petitioner's Motion for Enlargement of Time to File Objection to Report and Recommendation, and, Appointment of Counsel [docket no. 31] as follows:

1. The Court GRANTS petitioner's motion for enlargement of time; petitioner shall file his objection to the Report and Recommendation on or before November 17, 2005, and
2. The Court DENIES petitioner's motion for appointment of counsel.

IT IS SO ORDERED this 18th day of October, 2005.



VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE